

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
GREEN BAY DIVISION

BONNIE BRUNNER and DAVID BRUNNER,

Plaintiffs,

v.

Case No.: 24-C-719

CLASSIC HOMES BY
KUBA, LTD, JAMES F. KUBASTA,
and BRENDA M. KUBASTA,

Defendants.

**ORDER MODIFYING AND EXTENDING [17] AMENDED
TEMPORARY RESTRAINING ORDER**

Counsel for the parties appeared before the Court on July 17, 2024 for a telephone status conference on Defendants' Classic Homes by Kuba, Ltd. and James F. Kubasta (the "Kuba Defendants") Motion to Enlarge Time for Continued Hearing on Motion for Preliminary Injunction (Dkt. No. 30), and Defendant's Brenda M. Kubasta and Plaintiffs' David and Bonnie Brunner responses to same (Dkt. Nos. 32 & 33). The Parties addressed on the record the request to reschedule the evidentiary hearing for the Brunners' Motion for Preliminary Injunction and Other Relief (Dkt. No. 6) that had been scheduled for Thursday, July 18, at 2:00 pm.

Upon the arguments made on the record, and subject to the modifications below, the Court finds good cause to extend the Amended Temporary Restraining Order until the Brunners' Motion for Preliminary Injunction and Other Relief may be heard. The Amended Temporary Restraining Order shall be modified in two respects.

First, Defendants may arrange for the sale of assets at fair market or otherwise reasonable value. Any such proceeds shall then be escrowed pursuant to the Amended Temporary Restraining Order.

Second, Mr. Kubasta and Ms. Kubasta may exchange between themselves, arrange for and/or otherwise seek the division or transfer of marital assets in the state court divorce proceeding: *In Re the Marriage of Brenda M. Kubasta and James F. Kubasta*, Winnebago County Case No. 2024-FA-169. Nothing in the Amended Temporary Restraining Order shall be construed as preventing the divorce case from proceeding. Nothing in the Amended Temporary Restraining Order shall be construed as preventing the Winnebago County Court from approving the division of marital assets, finalizing, and/or otherwise approving the divorce. To the extent Mr. Kubasta or Ms. Kubasta is awarded an asset in the divorce, such asset is then subject to the restrictions of the Amended Temporary Restraining Order and this Order.

IT IS HEREBY ORDERED:

- the Amended Temporary Restraining Order, Dkt. No. 17, shall be modified to allow Defendants to sell assets for fair market value, or otherwise reasonable value, provided the proceeds are escrowed, subject to the Amended Temporary Restraining Order, and may only be distributed by order of the Court;
- the Amended Temporary Restraining Order, Dkt. No. 17, shall be modified to allow Mr. Kubasta and Ms. Kubasta to transfer assets as part of the division of assets by the Winnebago County Court, in the divorce filed by Ms. Kubasta;
- subject to the two modifications above, the Amended Temporary Restraining Order, Dkt. No. 17, shall remain in effect, absent further modification by the court,

until the hearing on the Brunners' Motion for Preliminary Injunction and Other Relief on August 8, 2024; and

- the evidentiary hearing on the Brunners' Motion for Preliminary Injunction and Other Relief will be scheduled for Thursday, August 8, 2024 at 9:30 AM.

Dated at Green Bay, Wisconsin this 19th day of July, 2024.

s/ William C. Griesbach
William C. Griesbach
United States District Judge